

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION**

CIVIL NO. 1:00CV32

H. DEAN ALLISON, *et al.*,)

This document pertains to:)
PATRICIA MAUNEY CRAFT,)
Executor of the Estate of Eunice)
Coleen Wall Mauney, Deceased, and)
husband, LEON B. MAUNEY,)

Plaintiffs,)

vs.)

DANIEL CONSTRUCTION COMPANY,)
INC., and DANIEL INTERNATIONAL)
CORPORATION,)

Defendants.)

ORDER

THIS MATTER is before the Court on motion of the Personal Representative, Patricia Mauney Craft, to be substituted for the Deceased Plaintiff Eunice Coleen Wall Mauney, and Plaintiffs' motion to amend the complaint to add a claim for wrongful death of Eunice Mauney. The Defendants have advised the Court that there are no objections to the relief sought.

On review of the motion by Patricia Craft to be substituted for the Deceased Plaintiff, it appears to the Court that Eunice Coleen Wall Mauney is deceased and Patricia Craft has been duly qualified, appointed, and acting as Executor of her Estate, and that the nature of this action is such that the cause of action survives the death of the named Plaintiff. Additionally, the Court finds that amending the complaint to include the wrongful death claim should be allowed.

IT IS, THEREFORE, ORDERED that the motion of the Personal Representative is **ALLOWED**, and Patricia Mauney Craft, Executor of the Estate of Eunice Coleen Wall Mauney, Deceased, is hereby substituted as Plaintiff and that the substitution shall be hereafter shown in the case caption.

IT IS FURTHER ORDERED that the Plaintiffs' motion to amend complaint is **ALLOWED**, and service of the motion with its attached Amendment to Complaint shall constitute service on the Defendants herein.

Signed: October 18, 2007

A handwritten signature in dark ink, appearing to read 'L. H. Thornburg', written over a horizontal line.

Lacy H. Thornburg
United States District Judge

